

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16cv471**

**SERUM SOURCE INTERNATIONAL,)
INC.,)**

Plaintiff,)

v.)

**GE HEALTHCARE BIO-SCIENCES)
CORP. and GE HEALTHCARE INC.,)**

Defendants.)

ORDER

On February 23, 2017, the Court held a telephone conference with counsel for the parties pursuant to Section 1(i) of the District Court's Pretrial Order in an attempt to mediate the discovery dispute in this matter. After concluding that the Court would be unable to mediate the dispute, it directed the parties to confer and attempt to resolve the dispute one final time. The parties, however, were unable to resolve the dispute and informed the Court that formal resolution of the dispute would be necessary. Accordingly, the Court entered an Order directing the parties to file discovery motions. (Order, Feb. 24, 2017, ECF No. 28.) In its Order, the Court directed the parties that:

The briefs should not exceed 10 pages, and the parties need not re-file

any previously submitted exhibits. The parties may file responses to any discovery motions by Thursday, March 2, 2017. Any such briefs should not exceed 10 pages in length. The Court will not consider any reply brief in this matter.

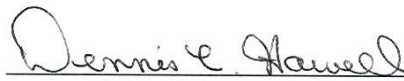
(Id.)

Subsequently, Defendant GE Healthcare Bio-Sciences Corp. (“Defendant”) filed a Motion for Protective Order [# 32]. Defendant’s motion is eleven (11) pages long, contains substantive factual and legal argument, and contains citations to legal authority. Put simply, Defendant used its motion to submit a legal brief to this Court. Defendant, however, separately filed an eleven (11) page brief in support of its motion. This brief contains additional legal and factual arguments and contains additional legal citations. By submitting two legal briefs in support of its single discovery motion, Defendant disregarded the Court’s Order and attempted to double the page limit imposed by the Court in its prior Order. Rather than file a single ten page brief as ordered by this Court, Defendant filed two legal briefs spanning a total of twenty-two (22) pages. Such unprofessional conduct by counsel is not tolerated by this Court.

As a result of Defendant’s failure to comply with this Court’s Order, the Court **STRIKES** the Motion for Protective Order [# 32] and Memorandum in Support [# 33]. The Court will not consider Defendant’s motion, and the March 6, 2017, hearing will now be limited to Plaintiff’s Motion to Compel [# 30]. Finally,

the Court **DIRECTS** Counsel of record for Defendant to **SHOW CAUSE** at the hearing why the Court should not levy additional sanctions against counsel for intentionally disregarding a lawful Order of this Court.

Signed: March 3, 2017



Dennis L. Howell
United States Magistrate Judge

